



UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

APR 10 2002

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2100

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 6

Jeffrey S. Whittle
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
P.O. Box 3791
Orlando, Florida 32802-3791

In re Application of: Charles Lewis et al.)	
Application No. 09/812,704)	DECISION ON PETITION FOR
Filed: March 19, 2001)	ACCELERATED
For: METHOD AND SYSTEM FOR)	EXAMINATION UNDER
HEALTHCARE PRACTICE)	M.P.E.P. §708.02(VIII)
MANAGEMENT)	

This is a decision on the petition, filed February 13, 2002 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, to make the above-identified application special.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, ***will make an election without traverse*** as a prerequisite to the grant of special status.

(c) Submits a statement(s) that a pre - examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, *applicant will be notified and the defects in the request will be stated*. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission fails on two counts. The petition is deficient in that (1) there is no statement that applicant will make an election *without traverse* if the Office determines that all claims are not obviously directed to a single invention as required by section (b), and (2) Applicant's detailed discussion of the references as required by section (e) does not have the particularity required by 37 CFR 1.111(b) and (c) since the detailed discussion merely paraphrases the Abstracts provided in each reference. Therefore, the submission does not satisfy the requirement, as it does not provide a *detailed discussion* of the references. The discussion also does not point out how the *claimed subject matter is patentable over the references*. That is, the discussion of the claims does not refer to specific limitations of the claims, but instead makes generalized statements concerning the claimed subject matter. Furthermore, given the different subject matter of each independent claim, when discussing the claims in view of the references, each independent claim should be specifically referred to and discussed with regards to each reference.

Accordingly, the Petition is **DISMISSED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.



Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160